

Update: Adoption Proceedings Benchbook

CHAPTER 2

Freeing a Child for Adoption

2.13 Termination Pursuant to a Step-Parent Adoption

C. Grandparent Visitation

Effective September 18, 2006, 2006 PA 353 amended MCL 722.27b to limit the right to seek grandparenting time following a step-parent adoption to a parent of a deceased parent of the child. Replace the quote of MCL 722.27b(13) at the end of the February 2005 update to page 64 with the following text:

“Except as otherwise provided in this subsection, adoption of a child or placement of a child for adoption under the Michigan adoption code, chapter X of the probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70, terminates the right of a grandparent to commence an action for grandparenting time with that child. Adoption of a child by a stepparent under the Michigan adoption code, chapter X of the probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70, does not terminate the right of the parent of a deceased parent of the child to commence an action for grandparenting time with that child.”

CHAPTER 6

Formal Placement and Action on the Adoption Petition

6.6 Legal Rights and Obligations

Effective September 18, 2006, 2006 PA 352 amended the language of MCL 710.60. On page 205, replace the first paragraph, the introductory phrase to the quote of MCL 710.60(2), and the quote of MCL 710.60(2) with the following text:

MCL 710.60(1) provides that after the entry of an order of adoption, “[t]he person or persons adopting the adoptee then become the parent or parents of the adoptee under the law as though the adopted person had been born to the adopting parents and are liable for all the duties and entitled to all the rights of parents.”

MCL 710.60(2) provides:

“After entry of the order of adoption, there is no distinction between the rights and duties of natural progeny and adopted persons, and the adopted person becomes an heir at law of the adopting parent or parents and an heir at law of the lineal and collateral kindred of the adopting parent or parents. After entry of the order of adoption, except as provided in section 2114(2) of the estates and protected individuals code, 1998 PA 386, MCL 700.2114, an adopted child is no longer an heir at law of a parent whose rights have been terminated under this chapter or chapter XIIA or the lineal or collateral kindred of that parent, nor is an adopted adult an heir at law of a person who was his or her parent at the time the order of adoption was entered or the lineal or collateral kindred of that person, except that a right, title, or interest that has vested before entry of the final order of adoption is not divested by that order.”

CHAPTER 6

Formal Placement and Action on the Adoption Petition

6.7 Grandparent Visitation

Effective September 18, 2006, 2006 PA 353 amended MCL 722.27b to limit the right to seek grandparenting time following a step-parent adoption to a parent of a deceased parent of the child. Replace the quote of MCL 722.27b(13) at the end of the February 2005 update to page 206 with the following text:

“Except as otherwise provided in this subsection, adoption of a child or placement of a child for adoption under the Michigan adoption code, chapter X of the probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70, terminates the right of a grandparent to commence an action for grandparenting time with that child. Adoption of a child by a stepparent under the Michigan adoption code, chapter X of the probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70, does not terminate the right of the parent of a deceased parent of the child to commence an action for grandparenting time with that child.”

CHAPTER 7

Rehearings, Appeals, Rescissions, and Dissolutions

7.9 Dissolution of an Adoption

A. Statutory Basis

Effective September 18, 2006, 2006 PA 352 amended the language of MCL 710.60. On page 234, replace the first paragraph in this sub-section with the following text:

Adoptive parents “become the parent or parents of the adoptee under the law as though the adopted person had been born to the adopting parents and are liable for all the duties and entitled to all the rights of parents.”* MCL 710.60(1).

*See Section 6.6 for information on the legal rights and obligations of parents.

Effective September 18, 2006, 2006 PA 352 amended the language of MCL 710.60. On page 234, replace the last paragraph in this sub-section with the following text:

MCL 710.60(1) provides that an adoptive parent becomes the parent of the adoptee and MCL 710.28(1)(a) allows a parent to release a child for the purposes of adoption. Therefore, an adoptive parent may release an adopted child for adoption.